



**City of Santa Barbara**  
Police Department

**Memorandum**

**DATE:** September 22, 2011

**TO:** Fire and Police Commission

**FROM:** Holly Perea, Police Technician

**SUBJECT:** Eric Bjorklund – Appeal of Escort & Escort Bureau permit denials

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On June 13, 2011 the Police Technician's office received an Escort application for Eric Bjorklund and an Escort Bureau application for Eric Bjorklund under the proposed business name of "Santa Barbara Escort Bureau." Both applications require the applicant to complete an Arrest History section, specifically instructing applicants to list all previous arrests as well as sign a declaration under the arrest history section that states "Signature below indicates the applicant understands that if any information requested on this form is misrepresented, it may be grounds for denial of this permit application." The arrest history section of the form was created per Santa Barbara Municipal Code (SBMC) §9.39.060(C): "Each applicant for an Escort Bureau or Introductory Service Permit, or renewal thereof, shall furnish the following information: (12) All criminal convictions of the applicant, including ordinance violations but excepting minor traffic offenses, stating the date, place, nature and sentence of each such conviction."

In the "Arrest History" section of both applications, Mr. Bjorklund wrote the following:

- 10/4/10 – Medical marijuana cultivation
- 1996 – "Over limit of undersized sea urchins. Commercial fishing violation."
- "I do have a juvenile record." (NOTE: Mr. Bjorklund's birthdate is 9/2/1955 so anything after 9/2/1973 is considered part of his adult arrest history.)

Both applications also require the applicant to undergo Live Scan fingerprinting. Therefore, as part of the application process Mr. Bjorklund was fingerprinted in June 2011. On June 20<sup>th</sup> the Police Technician's office received notice from the Department of Justice that the fingerprint results for Mr. Bjorklund would be delayed. Approximately one month later, on July 21, 2011, fingerprint results for Mr. Bjorklund were received by the Police Technician's office.

According to the Department of Justice fingerprint results, Mr. Bjorklund's adult arrest history includes the following convictions, none of which were listed on the applications:

- December 1973: 602(N) PC-Trespass: Refuse to Leave Property (3 days jail)
- November 1981: 647(F) PC-Disorderly Conduct: Intox Drug/Alcohol (2 days jail)
- June 1982: 415 PC-Disturbing the Peace (fine).

It was also discovered that whereas Mr. Bjorklund listed an October 4, 2010 arrest for "Medical Marijuana Cultivation," he was actually arrested for 186.10(A) PC "Money Laundering" on that date. Adjudication of this arrest is still pending.

In his appeal letter, Mr. Bjorklund acknowledges that "in between the time of signing and submitting the application... Mr. Bjorklund discovered additional cases... these additional arrests and record were not amended onto the original applications."

However, throughout the time period during which the applications were being processed, Mr. Bjorklund and his representative contacted the Police Technician's office and the City Finance Department multiple times to inquire about the status of the permits, sometimes contacting City offices multiple times within one week. Never once during the multiple contacts to two City offices over a period of weeks did Mr. Bjorklund mention the need to amend his arrest history information.

When applying for City permits that require applicants to list their complete conviction histories, persons who are uncertain about their histories have the option of contacting law enforcement agencies where they may have a record to request a copy of their complete arrest history from each agency. In fact, it is not uncommon for applicants to submit law enforcement printouts along with their applications so as to avoid accidentally omitting a conviction, and to ensure full compliance with application requirements.

In his own appeal letter Mr. Bjorklund confirms that prior to completion of the application process he was aware of convictions which he failed to list. Despite the knowledge that the listed "Arrest History" section was incomplete, Mr. Bjorklund failed to update the applications with the missing information.

Mr. Bjorklund's Escort Bureau application was denied under SBMC §9.39.060(H) "The Police Chief shall grant the permit, or renewal thereof, only if he finds that all of the following requirements have been met:

(3) The applicant has not knowingly made a material misrepresentation of fact in the application."

Mr. Bjorklund's Escort application was denied under SBMC §9.39.100(F) "The Police Chief shall grant the permit, or renewal thereof, only if he finds that all of the requirements of Subsections H (1) through (3) of Section 9.39.060 have been met...."

## **RECOMMENDATION:**

That the Fire and Police Commission uphold the Police Department's decision to deny the Escort and Escort Bureau applications submitted by Mr. Bjorklund.

ATTACHMENTS:

1. SBMC §9.39.060
2. SBMC §9.39.120
3. Appeal letter filed by Eric Bjorklund on August 30, 2011